

Exhibit D

continued

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03277-DGC**

Gage v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/21/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Darlene M Gage**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/21/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14675462 filed by Darlene M Gage. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 09/21/2017)
09/21/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-03277-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 09/21/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 13:02:33			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd
Description:	Docket Report	Search Criteria:	2:17-cv-03277-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Darlene M. Gage

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15
16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Illinois

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1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of injury:

3 Illinois

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Illinois

6 7. District Court and Division in which venue would be proper absent direct filing:

7 United States District Court for the Northern District of Illinois

8 8. Defendants (check Defendants against whom Complaint is made):

9 ☒ C.R. Bard Inc.

10 ☒ Bard Peripheral Vascular, Inc.

11 9. Basis of Jurisdiction:

12 ☒ Diversity of Citizenship

13 ☐ Other: _____

14 a. Other allegations of jurisdiction and venue not expressed in Master
15 Complaint:

16 Multi-District Litigation

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19 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
20 claim (Check applicable Inferior Vena Cava Filter(s)):

21 ☐ Recovery[®] Vena Cava Filter

22 ☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol Superior Vena Cava

11. Date of Implantation as to each product:

October 1, 2002

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Illinois (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 21st day of September, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 21st day of September, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03309-DGC**

Games v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/25/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Joann Games**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/25/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14684538 filed by Joann Games. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 09/25/2017)
09/25/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-03309-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 09/25/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 13:04:33			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-ttd
Description:	Docket Report	Search Criteria:	2:17-cv-03309-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Joann Games

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Illinois

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Illinois

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Illinois

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Illinois

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☒ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: Simon Nitinol Superior Vena Cava

11. Date of Implantation as to each product:

October 7, 2010

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Illinois (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 25th day of September, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 25th day of September, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-03205-DGC**

Smith v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/21/2016
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Slater Smith

represented by **Jacob Edward Levy**
Gray & White
713 E Market St., Ste. 200
Louisville, KY 40202
502-805-1800
Fax: 502-618-4059
Email: jlevy@kstrial.com
LEAD ATTORNEY
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Mark Kevin Gray
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Louisville, KY 40202
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Matthew Lee White
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Email: mwhite@grayandwhitelaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/21/2016	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13418713 filed by Slater Smith. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 09/21/2016)
09/21/2016	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-16-3205-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 09/21/2016)
10/12/2016	<u>3</u>	*AMENDED COMPLAINT against All Defendants filed by Slater Smith.(Levy, Jacob) *Document filed in the wrong case. Attorney noticed to re-file document in correct case on 10/12/2016 (LSP). (Entered: 10/12/2016)
10/12/2016	4	NOTICE TO FILER OF DEFICIENCY re: <u>3</u> Amended Complaint filed by Slater Smith. Document entered in wrong case. FOLLOW-UP ACTION REQUIRED: Please refile document in correct case: 2:18-md-2641-DGC. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 10/12/2016)

THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc._).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Slater Smith

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Ouida Garner, personal representative of the estate of Slater Smith

4. Plaintiff 's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Alabama

5. Plaintiff 's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Alabama

6. Plaintiff 's current state(s) [if more than one Plaintiff] of residence:

Alabama

7. District Court and Division in which venue would be proper absent direct filing:

Southern District of Alabama- Mobile Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

- 0 G2® Express (G2®X) Vena Cava Filter
- 0 Eclipse® Vena Cava Filter
- 0 Meridian® Vena Cava Filter
- 0 Denali® Vena Cava Filter
- X Other __Bard Simon
- Nitnol

11. Date of Implantation as to each product:

November 10, 2010

12. Counts in the Master Complaint brought by Plaintiff(s):

- x Count I: Strict Products Liability -Manufacturing Defect
- x Count II: Strict Products Liability -Information Defect (Failure to Warn)
- x Count III: Strict Products Liability -Design Defect
- x Count IV: Negligence -Design
- x Count V: Negligence - Manufacture
- x Count VI: Negligence -Failure to Recall/Retrofit
- X Count VII: Negligence -Failure to Warn
- X Count VIII: Negligent Misrepresentation
- X Count IX: Negligence *Per Se*
- X Count X: Breach of Express Warranty
- X Count XI: Breach of Implied Warranty
- X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable Kentucky

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade

Practices

0 Count XV: Loss of Consortium

X Count XVI: Wrongful Death

X Count XVII: Survival

X Punitive Damages

o Other(s): _____(please state the facts supporting
this Count in the space immediately below)

RESPECTFULLY SUBMITTED this _____ day of April, 2016.

/s/ Jacob Levy
Mark Gray
Matthew White
Jacob Levy
Gray & White
713 E. Market #200
Louisville, KY 40202

Attorneys for Plaintiffs

I hereby certify that on this _____ day of April, 2016, I mailed
the attached document to the Clerk's Office.

Isl Jacob Levy _____

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04084-DGC**

Gaston v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 11/06/2017
Jury Demand: Both
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff

Reita Gaston

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Amanda Christine Sheridan**
Snell & Wilmer LLP – Phoenix, AZ
1 Arizona Center
400 E Van Buren
Phoenix, AZ 85004-2202
602-382-6304
Fax: 602-382-6070
Email: asheridan@swlaw.com
TERMINATED: 07/12/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James R Condo
Snell & Wilmer LLP – Phoenix, AZ
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400 E Van Buren
Phoenix, AZ 85004-2202
602-382-6000
Fax: 602-382-6070
Email: jcondo@swlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard B North , Jr
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Amanda Christine Sheridan**
(See above for address)
TERMINATED: 07/12/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James R Condo
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard B North , Jr
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/06/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 097014826002 filed by Reita Gaston. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 11/06/2017)
11/06/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-4084-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 11/06/2017)
11/08/2017	<u>3</u>	* Document filed in the wrong case. All docket text associated with the entry has been removed on 11/9/2017 (LAD). (Entered: 11/08/2017)
11/08/2017	4	NOTICE TO FILER OF DEFICIENCY re: <u>3</u> Amended Complaint filed by Reita Gaston. Document entered in wrong case. <i>FOLLOW-UP ACTION REQUIRED:</i> Please refile document in correct case, MDL-15-2641. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LAD) (Entered: 11/09/2017)

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Reita Gaston

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Georgia

21

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Georgia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Georgia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Georgia

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

January 12, 2004

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Georgia Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices

☒ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 2nd day of November 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 2nd day of November 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03686-DGC**

Geist v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/11/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Donna Geist**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/11/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14746103 filed by Donna Geist. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 10/11/2017)
10/11/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-03686-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 10/11/2017)

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Donna Geist

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Pennsylvania

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Eastern District of Pennsylvania

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

February 27, 2003

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 11th day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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11
12 I hereby certify that on this 11th day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04484-DGC**

Goode v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 12/04/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Donna L Goode**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/04/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14925393 filed by Donna L Goode. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 12/05/2017)
12/04/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-04484-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 12/05/2017)

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Donna L. Goode

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Pennsylvania

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Western District of Pennsylvania

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®]Express(G2[®]X)VenaCavaFilter

☐ Eclipse[®]VenaCavaFilter

☐ Meridian[®]VenaCavaFilter

☐ Denali[®]VenaCavaFilter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

April 29, 2002

12. Counts in the Master Complaint brought byPlaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Pennsylvania (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 4th day of December 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 4th day of December 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04012-DGC**

Grayson v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/31/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**JaHazel Grayson**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/31/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14816224 filed by JaHazel Grayson. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 10/31/2017)
10/31/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-4012-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 10/31/2017)

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 JaHazel Grayson

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Texas

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Texas

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

October 09, 2003

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 31st day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 31st day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03175-DGC**

Griffin v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/14/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Mary Griffin**

represented by **Craig D Brown**
Meyers & Flowers LLC
3 N 2nd St., Ste. 300
St Charles, IL 60174
630-232-6333
Fax: 630-845-8982
Email: cdb@meyers-flowers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kimberly M Brancato
Meyers & Flowers LLC
3 N 2nd St., Ste. 300
St Charles, IL 60174
630-232-6333
Fax: 630-845-8982
Email: kb@meyers-flowers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/14/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14650949 filed by Mary Griffin. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 09/14/2017)
09/14/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-03175-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This

		is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 09/14/2017)
09/15/2017	<u>3</u>	NOTICE re: Notice of a Lawsuit and Request to Waive Service of a Summons by Mary Griffin . (Brancato, Kimberly) (Entered: 09/15/2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Mary Griffin
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:
N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):
N/A
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:
Georgia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Georgia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Georgia

7. District Court and Division in which venue would be proper absent direct filing:

Southern District of Georgia - Augusta Division

8. Defendants (check Defendants against whom Complaint is made):



C. R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery® Vena Cava Filter



G2® Vena Cava Filter



G2® Express Vena Cava Filter



G2® X Vena Cava Filter



Eclipse® Vena Cava Filter



Meridian® Vena Cava Filter

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- ☐ Denali® Vena Cava Filter
☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

04/15/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
☒ Count III: Strict Products Liability – Design Defect
☒ Count IV: Negligence - Design
☒ Count V: Negligence - Manufacture
☒ Count VI: Negligence – Failure to Recall/Retrofit
☒ Count VII: Negligence – Failure to Warn
☒ Count VIII: Negligent Misrepresentation
☒ Count IX: Negligence *Per Se*
☒ Count X: Breach of Express Warranty
☒ Count XI: Breach of Implied Warranty
☒ Count XII: Fraudulent Misrepresentation
☒ Count XIII: Fraudulent Concealment
☒ Count XIV: Violations of Applicable Georgia (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
☐ Count XV: Loss of Consortium
☐ Count XVI: Wrongful Death
☐ Count XVII: Survival
☐ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 14 day of September, 20 17.

By: /s/ Craig D. Brown

Meyers & Flowers, LLC
Craig D. Brown (*Pro Hac Vice*)
Kimberly M. Brancato (*Pro Hac Vice*)
3 N. Second Street, Suite 300
St. Charles, IL 60174
(630) 232-6333
(630) 845-8982 (facsimile)
cdb@meyers-flowers.com
kb@meyers-flowers.com

I hereby certify that on this 14 day of September, 20 17, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Craig D. Brown

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04010-DGC**

Hall v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/31/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Rebecca Hall**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/31/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14816166 filed by Rebecca Hall. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 10/31/2017)
10/31/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-4010-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 10/31/2017)

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Rebecca Hall

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Maryland

21

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Maryland

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Maryland

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Maryland

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

May 13, 2013

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 31st day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
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10
11
12 I hereby certify that on this 31st day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

16
17 5131774
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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00441-DGC**

Herod v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 02/13/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Brad Herod**

represented by **Michael T Gallagher**
Gallagher Law Firm LLP
2905 Sackett St.
Houston, TX 77098
713-222-8080
Fax: 713-222-0066
Email: donnaf@gld-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/13/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13912237 filed by Brad Herod. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 02/13/2017)
02/13/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-441-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 02/13/2017)

Michael T. Gallagher
Federal ID: 5395
The Gallagher Law Firm
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Houston, Texas 77098
(713) 222-8080
(713) 222-0066 - Facsimile
donna@gl-d-law.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. MDL-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS**

This Document Relates To:

Brad Herod

Civil Case # _____

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Brad Herod
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Wyoming

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Wyoming

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Wyoming

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Wyoming

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express (G2[®]X) Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter

Other: Simon Nitinol

11. Date of Implantation as to each product:

May 2, 2007

12. Counts in the Master Complaint brought by Plaintiff(s):

- ✓ Count I: Strict Products Liability – Manufacturing Defect
- ✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ✓ Count III: Strict Products Liability – Design Defect
- ✓ Count IV: Negligence - Design
- ✓ Count V: Negligence - Manufacture
- ✓ Count VI: Negligence – Failure to Recall/Retrofit
- ✓ Count VII: Negligence – Failure to Warn
- ✓ Count VIII: Negligent Misrepresentation
- ✓ Count IX: Negligence *Per Se*
- ✓ Count X: Breach of Express Warranty
- ✓ Count XI: Breach of Implied Warranty
- ✓ Count XII: Fraudulent Misrepresentation
- ✓ Count XIII: Fraudulent Concealment

1 √ Count XIV: Violations of Applicable _____ (insert state) Law

2 Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

3 □ Count XV: Loss of Consortium

4 □ Count XVI: Wrongful Death

5 □ Count XVII: Survival

6 □ Punitive Damages

7 □ Other(s): _____ (please state the facts supporting this

8 Count in the space immediately below)

9 _____
10 _____
11 _____
12 _____

13 Dated: February 13, 2017

13 Respectfully submitted,

14 /s/ Michael T. Gallagher

15 Michael T. Gallagher

16 Federal ID: 5395

17 The Gallagher Law Firm

18 2905 Sackett Street

19 Houston, Texas 77098

20 (713) 222-8080

21 (713) 222-0066 - Facsimile

22 donna@gl-d-law.com

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-02326-DGC**

Holmes v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 07/24/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Marlon Holmes**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/24/2018	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-1576267 filed by Marlon Holmes. (Attachments: # <u>1</u> Civil Cover Sheet)(SLQ) (Entered: 07/24/2018)
07/24/2018	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-02326-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SLQ) (Entered: 07/24/2018)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:17-at-99910

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Marlon Holmes

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant: Louisiana

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Louisiana

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Louisiana

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Eastern District of Louisiana

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

8. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®]Express(G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

October 12, 2007

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1 ☒ Count XIII: Fraudulent Concealment
- 2 ☒ Count XIV: Violations of Applicable Louisiana Law
- 3 Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 4 Practices
- 5 Count XV: Loss of Consortium
- 6 ☐ Count XVI: Wrongful Death
- 7 ☐ Count XVII: Survival
- 8 ☒ Punitive Damages
- 9 ☐ Other(s): _____ (please state the facts supporting
- 10 this Count in the space immediately below)
- 11 _____
- 12 _____
- 13 _____
- 14 _____
- 15 _____

16 13. Jury Trial demanded for all issues so triable?

17 ☒ Yes

18 ☐ No

1 RESPECTFULLY SUBMITTED this 24th day of July, 2018.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
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8
9
10
11
12 I hereby certify that on this 24th day of July, 2018, Ielectronically
13 transmitted the attached document to the Clerk's Office using the CM/ECF System for
14 filing and transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03505-DGC**

Hughes v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/04/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Billy R Hughes, Sr.

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
205-324-1212
Fax: 205-324-1255
Email: cmendenhall@frplegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David P Matthews
Matthews & Associates
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Richard Arthur Freese
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Email: rich@freeseandgoss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/04/2017	<u>1</u>	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3505-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/05/2017)
10/04/2017	<u>2</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14724772 filed by Billy R Hughes, Sr. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/05/2017)

David P. Matthews
TX SBN: 13206200
MATTHEWS & ASSOCIATES
2905 Sackett St.
Houston, TX 77098
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Fax (713) 535-7184
matthewsivc@thematthewslawfirm.com
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Richard Freese
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Birmingham, AL 35203
Tel. (205) 871-4144
Fax (205) 871-4104
rich@freeseandgoss.com
calle@freeseandgoss.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Billy R. Hughes, Sr.

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

MD

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

PA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

PA

7. District Court and Division in which venue would be proper absent direct filing:

USDC, Middle District of Pennsylvania

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

06/18/2004

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable PA (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 4th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

2905 Sackett St.

Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese

Calle M. Mendenhall

FREESE & GOSS, PLLC

1901 6th Ave N. Ste. 3120

Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 4th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03369-DGC**

Irons v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/29/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Mary C Irons**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated****Defendant****Bard Peripheral Vascular Incorporated**

Date Filed	#	Docket Text
09/29/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14707227 filed by Mary C Irons. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/02/2017)
09/29/2017	<u>2</u>	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3369-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/02/2017)

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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Mary C. Irons

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15
16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Mississippi

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Mississippi

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Mississippi

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Mississippi

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol Filter

11. Date of Implantation as to each product:

February 6, 2015

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Mississippi (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 29th day of September, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
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10
11
12 I hereby certify that on this 29th day of September, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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17 5131774
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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-00326-DGC**

Jackson v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 01/30/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff**Ruby Jackson**

represented by **David P Matthews**
Matthews & Associates
2905 Sackett St.
Houston, TX 77098
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Fax: 713-535-7184
Email: dmatthews@dmlawfirm.com
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ATTORNEY TO BE NOTICED

Richard Arthur Freese
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
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Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/30/2018	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15112019 filed by Ruby Jackson. (Attachments: # <u>1</u> Civil Cover Sheet)(KAS) (Entered: 01/30/2018)
01/30/2018	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-00326-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This

		is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KAS) (Entered: 01/30/2018)
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Ruby Jackson

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

FL

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

FL

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

FL

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Middle District of Florida

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol (Permanent)

11. Date of Implantation as to each product:

05/07/2010

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable FL (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 30th day of January, 2018.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

2905 Sackett St.

Houston, TX 77098

FREESE & GOSS, PLLC

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Calle M. Mendenhall

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Attorneys for Plaintiff

I hereby certify that on this 30th day of January, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03404-DGC**

Johnson v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/03/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Donald Johnson

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
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Email: rich@freeseandgoss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
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Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/03/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14716245 filed by Donald Johnson. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/03/2017)
10/03/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3404-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/03/2017)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Donald Johnson

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

AL

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

AL

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

AL

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Southern District of AL – Southern Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol (Permanent)

11. Date of Implantation as to each product:

06/24/2015

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable AL (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 3rd day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

2905 Sackett St.

Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese

Calle M. Mendenhall

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Attorneys for Plaintiff

I hereby certify that on this 3rd day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00324-DGC**

Kidwell v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 02/01/2017
Jury Demand: None
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Karen Kidwell**

represented by **Oluwaseun Adetoun Adeyemi**
Roxell Richards Law Firm
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LEAD ATTORNEY
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Roxell Ann Richards
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V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
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404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/01/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13871393 filed by Karen Kidwell. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 02/01/2017)
02/01/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-0324-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This

		is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 02/01/2017)
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 303-3).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Karen Kidwell

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Kansas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Kansas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Kansas

7. District Court and Division in which venue would be proper absent direct filing:

KS Third Judicial District

8. Defendants (check Defendants against whom Complaint is made):

*C.R. Bard Inc.

*Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

*Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

*Recovery[®] Vena Cava Filter

*G2[®] Vena Cava Filter

* G2[®] Express (G2[®] X) Vena Cava Filter

* Eclipse[®] Vena Cava Filter

* Meridian[®] Vena Cava Filter

* Denali[®] Vena Cava Filter

☐ Other: Bard Simon Nintol

11. Date of Implantation as to each product:

November 19, 2007

12. Counts in the Master Complaint brought by Plaintiff(s):

* Count I: Strict Products Liability – Manufacturing Defect

* Count II: Strict Products Liability – Information Defect (Failure to Warn)

* Count III: Strict Products Liability – Design Defect

* Count IV: Negligence - Design

* Count V: Negligence - Manufacture

* Count VI: Negligence – Failure to Recall/Retrofit

* Count VII: Negligence – Failure to Warn

* Count VIII: Negligent Misrepresentation

* Count IX: Negligence *Per Se*

* Count X: Breach of Express Warranty

* Count XI: Breach of Implied Warranty

* Count XII: Fraudulent Misrepresentation

* **Count XIII: Fraudulent Concealment**

☐ Count XIV: Violations of Applicable _____ (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☐ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

1 RESPECTFULLY SUBMITTED this 1st day of February 2017.

2 **Roxell Richards Law Firm**

3 By: /s/
4 Roxell Richards
5 TX Bar No. 24049753
6 Oluwaseun “Seun” Adeyemi
7 TX Bar No. 24094495
8 Roxell Richards Law Firm
9 6420 Richmond Ave Ste. 135
10 Houston TX, 77057

11 *Attorneys for Plaintiff*

12 I hereby certify that on this 1st day of February, 2017, I electronically transmitted
13 the attached document to the Clerk’s Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Roxell Richards

16
17 Roxell Richards
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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-01959-DGC**

Kristoff v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 06/22/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Elizabeth A Kristoff

represented by **Calle M Mendenhall**
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505 20th St. N, Ste. 1700
Birmingham, AL 35203
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Email: cmendenhall@frplegal.com
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LEAD ATTORNEY
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V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
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Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/22/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14360024 filed by Elizabeth A Kristoff. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 06/22/2017)
06/22/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-1959-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 06/22/2017)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Elizabeth A. Kristoff

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

PA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

NV

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

NV

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the District of Nevada

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol (Permanent)

11. Date of Implantation as to each product:

03/21/2005

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable NV (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 22nd day of June, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

2905 Sackett St.

Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese

Calle M. Mendenhall

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1901 6th Ave N. Ste. 3120

Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 22nd day of June, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03529-DGC**

Kustra v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/05/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Bernard G Kustra

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
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Email: rich@freeseandgoss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
- Atlanta, GA
Atlantic Station
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Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/05/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14723959 filed by Bernard G Kustra. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/06/2017)
10/05/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3529-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/06/2017)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Bernard G. Kustra

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

PA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

PA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

PA

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Western District of PA

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol (Permanent)

11. Date of Implantation as to each product:

12/01/2014

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable PA (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 5th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

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Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese

Calle M. Mendenhall

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Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 5th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04786-DGC**

Maggiacomo-Sackler v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 12/28/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff**Rosemarie Maggiacomo-Sackler**

represented by **Karen Hope Beyea-Schroeder**
Schroeder Law Office PLLC
P.O. Box 131747
The Woodlands, TX 77393
832-585-9829
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LEAD ATTORNEY
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V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
- Atlanta, GA
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Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/28/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15004018 filed by Rosemarie Maggiacomo-Sackler. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 12/28/2017)
12/28/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-04786-PHX-DGC. This case is included in MDL-2641. All future

		pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 12/28/2017)
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS
AND DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Rosemarie Maggiacomo-Sackler

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Rhode Island

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of injury:

Rhode Island

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Rhode Island

7. District Court and Division in which venue would be proper absent direct filing:

U.S. District Court for Rhode Island

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express Vena Cava Filter

☐ G2® X Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

September 10, 2001

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

- 1 ☒ Count II: Strict Products Liability – Information Defect (Failure
- 2 to Warn)
- 3 ☒ Count III: Strict Products Liability – Design Defect
- 4 ☒ Count IV: Negligence – Design
- 5 ☒ Count V: Negligence – Manufacture
- 6 ☒ Count VI: Negligence – Failure to Recall/Retrofit
- 7 ☒ Count VII: Negligence – Failure to Warn
- 8 ☒ Count VIII: Negligent Misrepresentation
- 9 ☒ Count IX: Negligence *Per Se*
- 10 ☒ Count X: Breach of Express Warranty
- 11 ☒ Count XI: Breach of Implied Warranty
- 12 ☒ Count XII: Fraudulent Misrepresentation
- 13 ☒ Count XIII: Fraudulent Concealment
- 14 ☒ Count XIV: Violations of Applicable Rhode Island Law Prohibiting
- 15 Consumer Fraud and Unfair and Deceptive Trade Practices
- 16 ☐ Count XV: Loss of Consortium
- 17 ☐ Count XVI: Wrongful Death
- 18 ☐ Count XVII: Survival
- 19 ☒ Punitive Damages
- 20 ☒ Other(s): _____: (please state the facts
- 21 supporting this Count in the space immediately below)
- 22 Plaintiff and the physicians reasonably relied upon the skill and judgment of
- 23 Defendants. As soon as the true nature of the IVC FILTER and the fact that
- 24 the warranty and representations were false were ascertained, Plaintiff was
- 25 notified of the breach. Due to Defendants’ deception, and failure to notify
- 26 individuals of the defects, Plaintiff could not have known of the falsehood
- 27 and therefore could not have taken action before this time.

28 13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 28th day of December, 2017.

BURNETT LAW FIRM

By: /s/ Karen H. Beyea-Schroeder

Karen H. Beyea-Schroeder

Riley L. Burnett, Jr.

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Attorneys for Plaintiff(s)

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of December, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

By: /s/ Karen H. Beyea-Schroeder

Karen H. Beyea-Schroeder

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Attorneys for Plaintiff(s)

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03696-DGC**

Mahoney v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/11/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Terry J Mahoney

represented by **Calle M Mendenhall**
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V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
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Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/11/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14747769 filed by Terry J Mahoney. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 10/12/2017)
10/11/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-03896-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 10/12/2017)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Terry J. Mahoney

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

GA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

GA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

GA

7. District Court and Division in which venue would be proper absent direct filing:

USDC, Middle District of Georgia – Athens Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

04/29/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable GA (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 11th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews
David P. Matthews
2905 Sackett St.
Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese
Calle M. Mendenhall
FREESE & GOSS, PLLC
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Attorneys for Plaintiff

I hereby certify that on this 11th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews
David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04137-DGC**

Marshall v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 11/09/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Ronald Marshall**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
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Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
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Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/09/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14850987 filed by Ronald Marshall. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 11/09/2017)
11/09/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-4137-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 11/09/2017)

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Ronald Marshall

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: New York

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Eastern District of New York

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®]Express(G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

June 28, 2001

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable New York Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____(please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 9th day of November 2017.

MARC J. BERN & PARTNERS LLP

By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

Attorneys for Plaintiff(s)

I hereby certify that on this 9th day of November 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Debra J. Humphrey

5131774

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03516-DGC**

McDaniel-Meeks v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/05/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Mashell McDaniel-Meeks

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
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ATTORNEY TO BE NOTICED

David P Matthews
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ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
- Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/05/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14725466 filed by Mashell McDaniel-Meeks. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/05/2017)
10/05/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3516-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/05/2017)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Mashell McDaniel-Meeks

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

AL

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

MS

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

MS

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Southern District of MS – Northern Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol (Permanent)

11. Date of Implantation as to each product:

04/02/2008

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable MS (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 5th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

2905 Sackett St.

Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese

Calle M. Mendenhall

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Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 5th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03445-DGC**

McMorris et al v. C R Bard Incorporated
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/04/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Lenora McMorris

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
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Email: rich@freeseandgoss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
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201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/04/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14720497 filed by Lenora McMorris. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/04/2017)
10/04/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3445-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/04/2017)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Lenora McMorris

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

MS

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

MS

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

MS

7. District Court and Division in which venue would be proper absent direct filing:

USDC, Southern District of Mississippi – Western Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

11/04/2012

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable MS (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 4th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

2905 Sackett St.

Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese

Calle M. Mendenhall

FREESE & GOSS, PLLC

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Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 4th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-01115-DGC**

Miller v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 04/19/2016
Jury Demand: None
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Timothy Miller**

represented by **David M Langevin**
McSweeney Langevin LLC
2116 2nd Ave. S
Minneapolis, MN 55404
612-746-4646
Email: dave@westrikeback.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated****Defendant****Bard Peripheral Vascular Incorporated**

Date Filed	#	Docket Text
04/19/2016	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-12868131 filed by Timothy Miller. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 04/19/2016)
04/19/2016	2	NOTICE TO FILER OF DEFICIENCY re: <u>1</u> Complaint filed by Timothy Miller. Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. NO FURTHER ACTION IS REQUIRED. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 04/19/2016)
04/19/2016	3	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-16-1115-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 04/19/2016)

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **MASTER SHORT FORM COMPLAINT**
FOR DAMAGES FOR INDIVIDUAL
CLAIMS

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

- 11 1. Plaintiff/Deceased Party:

12 Timothy Miller

- 13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 Not Applicable

- 16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 Not Applicable

- 19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant:

21 California
22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

California

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

California

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of California

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

€ G2[®] Express (G2[®]X) Vena Cava Filter

€ Eclipse[®] Vena Cava Filter

€ Meridian[®] Vena Cava Filter

€ Denali[®] Vena Cava Filter

€ Other: Simon Nitinol

11. Date of Implantation as to each product:

06/23/2006

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☐ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1 ☒ Count XIII: Fraudulent Concealment
- 2 ☒ Count XIV: Violations of Applicable California (insert state)
- 3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 4 Practices
- 5 ☐ Count XV: Loss of Consortium
- 6 ☐ Count XVI: Wrongful Death
- 7 ☐ Count XVII: Survival
- 8 ☒ Punitive Damages
- 9 ☐ Other(s): _____ (please state the facts supporting
- 10 this Count in the space immediately below)

11 _____

12 _____

13 _____

14 _____

15 _____

16 RESPECTFULLY SUBMITTED this 19th day of April, 2016.

17 MCSWEENEY/LANGEVIN LLC

18 By: /s/ David M. Langevin

19 David M. Langevin
20 Rhett A. McSweeney
21 2116 2nd Avenue South
22 Minneapolis, MN 55404
 Attorneys for Plaintiff(s)

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

By: /s/ David M. Langevin
Rhett A. McSweeney
David M. Langevin
McSweeney/Langevin LLC
2116 2nd Avenue South
Minneapolis, MN 55404
Phone: (612) 746-4646
Fax: (612) 454-2678

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03807-DGC**

Neal v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/17/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Eugene Neal**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/17/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14763675 filed by Eugene Neal. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/17/2017)
10/17/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3807-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/17/2017)

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Eugene Neal

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: New York

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Western District of New York

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

February 11, 2003

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 17th day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
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60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
7
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9
10
11
12 I hereby certify that on this 17th day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-01528-DGC**

O'Dell v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 05/21/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Christina O'Dell**

represented by **Michael T Gallagher**
Gallagher Law Firm LLP
2905 Sackett St.
Houston, TX 77098
713-222-8080
Fax: 713-222-0066
Email: donnaf@gld-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/21/2018	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15521555 filed by Christina O'Dell. (Attachments: # <u>1</u> Civil Cover Sheet)(SLQ) (Entered: 05/21/2018)
05/21/2018	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-01528-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SLQ) (Entered: 05/21/2018)

Michael T. Gallagher
Federal ID: 5395
The Gallagher Law Firm
2905 Sackett Street
Houston, Texas 77098
(713) 222-8080
(713) 222-0066 - Facsimile
donna@gl-d-law.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. MDL-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS**

This Document Relates To:

Christina O'Dell

Civil Case # _____

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Christina O'Dell

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Alabama

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Alabama

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Alabama

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Alabama

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express (G2[®]X) Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

September 1, 2014

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment

1 √ Count XIV: Violations of Applicable Alabama Law Prohibiting Consumer
2 Fraud and Unfair and Deceptive Trade Practices

3 □ Count XV: Loss of Consortium

4 □ Count XVI: Wrongful Death

5 □ Count XVII: Survival

6 √ Punitive Damages

7 □ Other(s): _____ (please state the facts supporting this
8 Count in the space immediately below)

9 _____
10 _____
11 _____
12 _____

13 Dated: May 21, 2018

13 Respectfully submitted,

14 /s/ Michael T. Gallagher

15 Michael T. Gallagher

16 Federal ID: 5395

17 The Gallagher Law Firm

18 2905 Sackett Street

19 Houston, Texas 77098

20 (713) 222-8080

21 (713) 222-0066 - Facsimile

22 donna@gld-law.com

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03960-DGC**

Olim v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/26/2017
Jury Demand: None
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**John Olim**

represented by **Bobby Saadian**
Wilshire Law Firm PLC
3055 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90010
213-381-9988
Fax: 213-381-9989
Email: masstorts@wilshirelawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/26/2017	<u>1</u>	*COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14803661 filed by John Olim. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) *Modified to correct file date to 10/26/17 on 10/27/2017 (LSP). (Entered: 10/27/2017)
10/26/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-03960-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 10/27/2017)

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **MASTER SHORT FORM COMPLAINT**
FOR DAMAGES FOR INDIVIDUAL
CLAIMS

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

- 11 1. Plaintiff/Deceased Party:

12 **JOHN OLIM**

- 13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

- 15
16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

- 18
19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant:

21 **California**
22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

California

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

California

7. District Court and Division in which venue would be proper absent direct filing:

Central District of California

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery® Vena Cava Filter



G2® Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: **Bard Nitinol**

11. Date of Implantation as to each product:

Approximately 2001

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation



Count XIII: Fraudulent Concealment



Count XIV: Violations of Applicable **California** (insert state)

3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
4 Practices



Count XV: Loss of Consortium



Count XVI: Wrongful Death



Count XVII: Survival



Punitive Damages



Other(s): _____ (please state the facts supporting
10 this Count in the space immediately below)

11 _____
12 _____
13 _____
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22 _____

RESPECTFULLY SUBMITTED this 26th day of October, 2017.

WILSHIRE LAW FIRM, PLC

By: /s/ Bobby Saadian

Bobby Saadian, Esq.

3055 Wilshire Blvd., 12th Floor

Los Angeles, CA 90010

(213)381-9988

masstorts@wilshirelawfirm.com

California State Bar No. 250377

Attorney for Plaintiffs

I hereby certify that on this 26th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Bobby Saadian

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00941-DGC**

Pedersen v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/29/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Charlene Pedersen

represented by **Adam Tal Funk**
Branch Law Firm
2025 Rio Grande Blvd. NW
Albuquerque, NM 87104
505-243-3500
Fax: 505-243-3534
Email: afunk@branchlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Craig D Brown
Meyers & Flowers LLC
3 N 2nd St., Ste. 300
St Charles, IL 60174
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Kimberly M Brancato
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630-232-6333
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Email: kb@meyers-flowers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
- Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/29/2017	<u>1</u>	*COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14069667 filed by Charlene Pedersen. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) *Modified on 3/30/2017 to correct file date from 3/30/17 to 3/29/17; NEF regenerated (LSP)/(SCH). (Entered: 03/30/2017)
03/29/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-0941-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 03/30/2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Charlene Pedersen
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:
N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):
N/A
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:
California

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 New Hampshire

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 New Hampshire

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 USDC - District of New Hampshire

9 8. Defendants (check Defendants against whom Complaint is made):



C. R. Bard Inc.



Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:

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20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter



G2[®] Express Vena Cava Filter



G2[®] X Vena Cava Filter



Eclipse[®] Vena Cava Filter



Meridian[®] Vena Cava Filter

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- ☐ Denali® Vena Cava Filter
☒ Other: Simon Nitinol

11. Date of Implantation as to each product:
1/20/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
☒ Count III: Strict Products Liability – Design Defect
☒ Count IV: Negligence - Design
☒ Count V: Negligence - Manufacture
☒ Count VI: Negligence – Failure to Recall/Retrofit
☒ Count VII: Negligence – Failure to Warn
☒ Count VIII: Negligent Misrepresentation
☒ Count IX: Negligence *Per Se*
☒ Count X: Breach of Express Warranty
☒ Count XI: Breach of Implied Warranty
☒ Count XII: Fraudulent Misrepresentation
☒ Count XIII: Fraudulent Concealment
☒ Count XIV: Violations of Applicable California & New Hampshire (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
☐ Count XV: Loss of Consortium
☐ Count XVI: Wrongful Death
☐ Count XVII: Survival
☐ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 29 day of March, 2017.

By: /s/ Adam T. Funk

Branch Law Firm
Adam T. Funk
2025 Rio Grande Blvd., NW
Albuquerque, NM 87104
(505) 243-3500
(505) 243-3534 (facsimile)
afunk@branchlawfirm.com

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(630) 845-8982 (facsimile)
cdb@meyers-flowers.com
kb@meyers-flowers.com

I hereby certify that on this 29 day of March, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Adam T. Funk

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00899-DGC**

Pirl v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/27/2017
Jury Demand: None
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Tracy Pirl**

represented by **Nathaniel Searcy**
Potts Law Firm
1901 W 47th Pl., Ste. 210
Westwood, KS 66205
816-931-2230
Fax: 816-931-7030
Email: nscearcy@potts-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patricia Lynn Campbell
Potts Law Firm LLP
1901 W 47th Pl., Ste. 210
Westwood, KS 66205
816-931-2230
Fax: 816-931-7030
Email: tricia@lelaw.com
TERMINATED: 08/09/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
- Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/27/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14056134 filed by Tracy Pirl. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 03/27/2017)
03/27/2017	<u>2</u>	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-899-PHX-DGC. This case is included in MDL-2641. All future

		pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 03/27/2017)
08/04/2017	<u>3</u>	*NOTICE of Appearance by Nathaniel Searcy on behalf of Tracy Pirl. (Searcy, Nathaniel) *Document filed in the wrong case. Attorney noticed to re-file in correct case on 8/4/2017 (LSP). (Entered: 08/04/2017)
08/04/2017	4	NOTICE TO FILER OF DEFICIENCY re: <u>3</u> Notice of Appearance/Association of Counsel filed by Tracy Pirl. Document entered in wrong case. FOLLOW-UP ACTION REQUIRED: Please refile document in correct case: 2:15-md-2641-DGC. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 08/04/2017)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-026412-PHX-DGC

**SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Tracy Pirl

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
time of implant:

Pennsylvania

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Western District of Pennsylvania

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendant's Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☒ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express (G2®X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

03/08/2005

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligence Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Pennsylvania (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this
Court in the space immediately below)

RESPECTFULLY SUBMITTED this 27th day of March, 2017.

THE POTTS LAW FIRM, LLP

By: /s/ Patricia L. Campbell
Patricia L. Campbell, MO Bar No. 60917
1901 West 47th Place, Suite 210
Westwood, Kansas 66205
Telephone: (816) 931-2230
Facsimile: (816) 931-7030
pcampbell@potts-law.com

Counsel for the Plaintiff

I hereby certify that on this 27th day of March, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Patricia L. Campbell

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03739-DGC**

Rosenberger et al v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/12/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Mary Grace Rosenberger**

represented by **Roopal P Luhana**
Chaffin Luhana LLP – New York, NY
600 3rd Ave., 12th Fl.
New York, NY 10016
347-269-4465
Fax: 888-499-1123
Email: luhana@chaffinluhana.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Peter Rosenberger**

represented by **Roopal P Luhana**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/12/2017	<u>1</u>	*COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14751308 filed by Mary Grace Rosenberger, Peter Rosenberger. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) *Modified to regenerate NEF on 10/13/2017 (SCH). (Entered: 10/13/2017)
10/12/2017	2	*NOTICE TO FILER OF DEFICIENCY re: <u>1</u> Complaint filed by Peter Rosenberger, Mary Grace Rosenberger. Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. No further action is required.

		This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) *Modified to regenerate NEF on 10/13/2017 (SCH). (Entered: 10/13/2017)
10/12/2017	3	*This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3739-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) *Modified to regenerate NEF on 10/13/2017 (SCH). (Entered: 10/13/2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS PRODUCTS :
LIABILITY LITIGATION : No. 2:15-MD-02641-DGC
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Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Mary Grace Rosenberger
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
Peter Rosenberger
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
N/A
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:
Tennessee
5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:
Tennessee
6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
Tennessee
7. District Court and Division in which venue would be proper absent direct filing:
United States District Court for the Middle District of Tennessee

8. Defendants (check Defendants against who Complaint is made):

- ☒ C. R. Bard Inc.
- ☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery® Vena Cava Filter
- ☐ G2® Vena Cava Filter
- ☐ G2® Express Vena Cava Filter
- ☐ G2® X Vena Cava Filter
- ☐ Eclipse® Vena Cava Filter
- ☐ Meridian® Vena Cava Filter
- ☐ Denali® Vena Cava Filter
- ☒ Other: Simon Nitinol Vena Cava Filter

11. Date of Implantation as to each product:

February 7, 2008

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence – Design
- ☒ Count V: Negligence – Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Tennessee (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 12th day of October, 2017.

s/ Roopal P. Luhana
Roopal P. Luhana, Esq.
CHAFFIN LUHANA LLP
600 Third Ave., 12th Fl.
New York, NY 10016
Phone: (347) 269-4472
Fax: (888) 499-1123
luhana@chaffinluhana.com
Attorney for Plaintiffs

I hereby certify that on this 12th day of October, 2017 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

s/ Roopal P. Luhana

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04239-DGC**

Sackal v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Product Liability

Date Filed: 11/17/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Mike Sackal**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/17/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14877323 filed by Mike Sackal. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 11/20/2017)
11/17/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-4239-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 11/20/2017)

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Mike Sackal

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Arizona

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Arizona

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Arizona

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Arizona

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®]Express(G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Bard Simon Nitinol

11. Date of Implantation as to each product:

October 12, 2004

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1 ☒ Count XIII: Fraudulent Concealment
- 2 ☒ Count XIV: Violations of Applicable Arizona (insert state)
- 3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 4 Practices
- 5 ☐ Count XV: Loss of Consortium
- 6 ☐ Count XVI: Wrongful Death
- 7 ☐ Count XVII: Survival
- 8 ☒ Punitive Damages
- 9 ☐ Other(s): _____ (please state the facts supporting
- 10 this Count in the space immediately below)
- 11 _____
- 12 _____
- 13 _____
- 14 _____
- 15 _____

16 13. Jury Trial demanded for all issues so triable?

- 17 ☒ Yes
- 18 ☐ No
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1 RESPECTFULLY SUBMITTED this 17th day of November, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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12 I hereby certify that on this 17th day of November, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-02866-DGC**

Salmon et al v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: 2:15-md-02641-DGC
Member case: (View Member Case)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 08/24/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury: Prod. Liability
Jurisdiction: Diversity

Plaintiff**Danny M Salmon**

represented by **Nicole K H Maldonado**
Baum Hedlund Aristei & Goldman PC
10940 Wilshire Blvd., 17th Fl.
Los Angeles, CA 90024
310-207-3233
Fax: 310-207-4204
Email: nmaldonado@baumhedlundlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Mildred Salmon**

Spouse
also known as
Kay Salmon

represented by **Nicole K H Maldonado**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Rodney D Salmon***Adult son*

represented by **Nicole K H Maldonado**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough LLC
– Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email: richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/24/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14581357 filed by Rodney D Salmon, Danny M Salmon, Mildred Salmon. (Attachments: # <u>1</u> Civil Cover

		Sheet)(LSP) (Entered: 08/25/2017)
08/24/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-02866-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 08/25/2017)
08/29/2017	<u>3</u>	*NOTICE of Appearance by Nicole K H Maldonado on behalf of Danny M Salmon, Mildred Salmon, Rodney D Salmon. (Maldonado, Nicole) *Document filed in the wrong case. Attorney noticed to re-file document in correct case on 8/30/2017 (LSP). (Entered: 08/29/2017)
08/30/2017	4	NOTICE TO FILER OF DEFICIENCY re: <u>3</u> Notice of Appearance/Association of Counsel filed by Rodney D Salmon, Danny M Salmon, Mildred Salmon. Document entered in wrong case. FOLLOW-UP ACTION REQUIRED: Please refile document in correct case: 2:15-md-1561-DGC. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 08/30/2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

This Document Relates to Plaintiffs:
DANNY M. SALMON, Individually; Spouse,
MILDRED "KAY" SALMON, Individually;
Son, RODNEY D. SALMON, Individually.

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Danny M. Salmon
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:
Spouse, Mildred "Kay" Salmon; Adult Son, Rodney D. Salmon.
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:
Central City, Nebraska

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:
Central City, Nebraska
6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
Central City, Nebraska
7. District Court and Division in which venue would be proper absent direct filing:
U.S.D.C., District of Nebraska, Lincoln Division (Merrick Co.)
8. Defendants (check Defendants against whom Complaint is made):
☒ C. R. Bard Inc.
☐ Bard Peripheral Vascular, Inc.
9. Basis of Jurisdiction:
☒ Diversity of Citizenship
☐ Other: _____
a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):
☐ Recovery[®] Vena Cava Filter
☐ G2[®] Vena Cava Filter
☐ G2[®] Express Vena Cava Filter
☐ G2[®] X Vena Cava Filter
☐ Eclipse[®] Vena Cava Filter
☐ Meridian[®] Vena Cava Filter

☐ Denali® Vena Cava Filter

☒ Other: Simon Nitinol Inferior Vena Cava (IVC) Filter

11. Date of Implantation as to each product:

On July 1, 2005, Plaintiff underwent insertion of the Simon
Nitinol IVC Filter

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure
to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Nebraska (insert
state) Law Prohibiting Consumer Fraud and Unfair and
Deceptive Trade Practices

☒ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 24 day of August, 2017.

By: 

Nicole Maldonado
Baum, Hedlund, Aristei and Goldman
12100 Wilshire Blvd., Suite 950
Los Angeles, CA 90025

I hereby certify that on this 24 day of August, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Nicole K.H. Maldonado

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00084-DGC**

Savage-Mykel v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 01/11/2017
Jury Demand: None
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Debra J Savage-Mykel**

represented by **Peyton P Murphy**
Murphy Law Firm
2354 S Acadian Thruway
Baton Rouge, LA 70808
225-928-8800
Fax: 225-246-8780
Email: Peyton@MurphyLawFirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Todd C Comeaux
Todd C Comeaux LLC
4880 Bluebonnet Blvd., Ste. A
Baton Rouge, LA 70809
225-706-9000
Fax: 225-706-9001
Email: TC@ComeauxLawFirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/11/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13796191 filed by Debra J Savage-Mykel. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 01/11/2017)
01/11/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-0084-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 01/11/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 03:57:35			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-gc01
Description:	Docket Report	Search Criteria:	2:17-cv-00084-DGC
Billable Pages:	1	Cost:	0.10

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC
MDL 2641

**MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint in MDL No. 2641 by reference (Doc 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Debra J. Savage-Mykel

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Wisconsin

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Ohio

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Ohio

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter



G2[®] Express (G2[®]X) Vena Cava Filter



Eclipse[®] Vena Cava Filter



Meridian[®] Vena Cava Filter

- ☐ Denali[®] Vena Cava Filter
- ☒ Other: Simon-Nitinol

11. Date of Implantation as to each product:

06/02/2006

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Pro Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Ohio (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium

- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space, immediately below)

RESPECTFULLY SUBMITTED this 11th day of January, 2017.

MURPHY LAW FIRM, LLC

/s/ Peyton P. Murphy

PEYTON P. MURPHY (LA Bar #22125)

(admitted *pro hac vice*)

2354 S. Acadian Thruway

Baton Rouge, LA 70808

Telephone: (225) 928-8800

Facsimile: (225) 246-8780

Email: Peyton@MurphyLawFirm.com

TODD C. COMEAUX (LA Bar #23453)

TODD C. COMEAUX, LLC.

4880 Bluebonnet Boulevard, Suite A

Baton Rouge, LA 70809

Telephone: (225) 706-9000

Facsimile: (225) 706-9001

Email: TC@ComeauxLawFirm.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify on this 11th day of January, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Peyton P. Murphy

Peyton P. Murphy (LA Bar #22125)

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-01206-DGC**

Schutz v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 04/24/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Joseph Schutz**

represented by **Eric M Terry**
TorHoerman Law LLC - Edwardsville,
IL
210 S Main St.
Edwardsville, IL 62025
618-656-4400
Fax: 618-656-4401
Email: eric@thlawyer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tor A Hoerman
TorHoerman Law LLC - Edwardsville,
IL
210 S Main St.
Edwardsville, IL 62025
618-656-4400
Fax: 618-656-4401
Email: tor@thlawyer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:

richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
 Incorporated**

represented by **Richard B North , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/24/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14154835 filed by Joseph Schutz. (Attachments: # <u>1</u> Civil Cover Sheet)(LSP) (Entered: 04/24/2017)
04/24/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-01206-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 04/24/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 04:47:19			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-gc01
Description:	Docket Report	Search Criteria:	2:17-cv-01206-DGC
Billable Pages:	1	Cost:	0.10

Eric Terry, #6282169
TORHOERMAN LAW LLC
11 W. Vandalia Street, Suite 350
Edwardsville, IL 62025
Phone: (618) 656-4400
Fax: (618) 656-4401
Email: eric@thlawyer.com
Attorneys on behalf of Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS
AND DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Joseph Schutz

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Illinois

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

N/A

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Illinois

7. District Court and Division in which venue would be proper absent direct filing:

Illinois Northern District Court

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☒ Other: Simon Nitinol Filter

11. Date of Implantation as to each product:

May 24, 1999

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn

- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Illinois (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☒ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 24th day of April 2017.

TORHOERMAN LAW LLC

By: /s/Eric M. Terry
Eric M. Terry
Tor A. Hoerman
101 W. Vandalia Street, Suite 350
Edwardsville, IL 62025

Attorneys for Plaintiffs

I hereby certify that on this 24th day of April 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/Kristie Stephens

5220248v1/26997-0001

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-04051-DGC**

Singer v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 11/22/2016
Jury Demand: None
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Jeffrey S Singer**

represented by **Peyton P Murphy**
Murphy Law Firm
2354 S Acadian Thruway
Baton Rouge, LA 70808
225-928-8800
Fax: 225-246-8780
Email: Peyton@MurphyLawFirm.com
LEAD ATTORNEY
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Todd C Comeaux
Todd C Comeaux LLC
4880 Bluebonnet Blvd., Ste. A
Baton Rouge, LA 70809
225-706-9000
Fax: 225-706-9001
Email: TC@ComeauxLawFirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/22/2016	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13637407 filed by Jeffrey S Singer. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 11/23/2016)
11/22/2016	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-16-4051-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 11/23/2016)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:12:11			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-gc01
Description:	Docket Report	Search Criteria:	2:16-cv-04051-DGC
Billable Pages:	1	Cost:	0.10

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC
MDL 2641

**MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint in MDL No. 2641 by reference (Doc 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Jeffrey S. Singer

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Maryland

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Maryland

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Maryland

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the State of Maryland

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter



G2[®] Express (G2[®]X) Vena Cava Filter



Eclipse[®] Vena Cava Filter



Meridian[®] Vena Cava Filter

- ☐ Denali[®] Vena Cava Filter
- ☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

06/10/2010 - CR Bard - Simon Nitinol

01/02/2014 - Cook Medical - Celect IVC Filter

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Pro Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Pennsylvania (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium

- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space, immediately below)

RESPECTFULLY SUBMITTED this 22nd day of November, 2016.

MURPHY LAW FIRM, LLC

/s/ Peyton P. Murphy

PEYTON P. MURPHY (LA Bar #22125)

(admitted *pro hac vice*)

2354 S. Acadian Thruway

Baton Rouge, LA 70808

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TODD C. COMEAUX (LA Bar #23453)

TODD C. COMEAUX, LLC.

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Baton Rouge, LA 70809

Telephone: (225) 706-9000

Facsimile: (225) 706-9001

Email: TC@ComeauxLawFirm.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify on this 22nd day of November, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Peyton P. Murphy

Peyton P. Murphy (LA Bar #22125)

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03852-DGC**

Smith v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/20/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Josephine E Smith**

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
205-324-1212
Fax: 205-324-1255
Email: cmendenhall@frplegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Richard Arthur Freese
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Fax: 205-871-4104
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by

Richard B North , Jr

Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA

Atlantic Station

201 17th St. NW, Ste. 1700

Atlanta, GA 30363

404-322-6000

Fax: 404-322-6050

Email:

richard.north@nelsonmullins.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/20/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14780251 filed by Josephine E Smith. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/20/2017)
10/20/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3852-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/20/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 04:57:18			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-gc01
Description:	Docket Report	Search Criteria:	2:17-cv-03852-DGC
Billable Pages:	2	Cost:	0.20

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Josephine E. Smith

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

MI

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

MI

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

MI

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Eastern District of MI – Southern Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol (Permanent)

11. Date of Implantation as to each product:

01/01/1995

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable MI (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 20th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews
David P. Matthews
2905 Sackett St.
Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese
Calle M. Mendenhall
FREESE & GOSS, PLLC
1901 6th Ave N. Ste. 3120
Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 20th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews
David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03370-DGC**

Spruell v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/29/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Levi Spruell**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated****Defendant****Bard Peripheral Vascular
Incorporated**

Date Filed	#	Docket Text
09/29/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14707268 filed by Levi Spruell. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 10/02/2017)
09/29/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3370-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/02/2017)

PACER Service Center

Transaction Receipt			
10/31/2018 04:59:24			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373- gc01
Description:	Docket Report	Search Criteria:	2:17-cv-03370- DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Levi Spruell

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15
16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Illinois

21

22

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of injury:

3 Illinois

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Illinois

6 7. District Court and Division in which venue would be proper absent direct filing:

7 United States District Court for the Northern District of Illinois

8 8. Defendants (check Defendants against whom Complaint is made):

9 ☒ C.R. Bard Inc.

10 ☒ Bard Peripheral Vascular, Inc.

11 9. Basis of Jurisdiction:

12 ☒ Diversity of Citizenship

13 ☐ Other: _____

14 a. Other allegations of jurisdiction and venue not expressed in Master
15 Complaint:

16 Multi-District Litigation

17
18
19 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
20 claim (Check applicable Inferior Vena Cava Filter(s)):

21 ☐ Recovery[®] Vena Cava Filter

22 ☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol Filter

11. Date of Implantation as to each product:

1992

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Illinois (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 29th day of September, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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11
12 I hereby certify that on this 29th day of September, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

16 5131774
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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:16-cv-01849-DGC**

Stith v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 06/10/2016
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Andrea Stith**

represented by **Ellen A Presby**
Nemeroff Law Firm
Hillcrest Twr.
12720 Hillcrest Rd., Ste. 700
Dallas, TX 75230
214-774-2558
Fax: 214-393-7897
Email: ellenpresby@nemerofflaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/10/2016	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13058162 filed by Andrea Stith. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 06/10/2016)
06/10/2016		This case has been assigned to the Honorable David G Campbell, with member case number: CV-16-1849-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 06/10/2016)
06/10/2016	2	NOTICE TO FILER OF DEFICIENCY re: 1 Complaint filed by Andrea Stith. Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. No further action is required. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 06/10/2016)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:08:39			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-gc01
Description:	Docket Report	Search Criteria:	2:16-cv-01849-DGC
Billable Pages:	1	Cost:	0.10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Andrea Stith

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Virginia

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 Virginia

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Virginia

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 Eastern District of Virginia: Norfolk Division

9 8. Defendants (check Defendants against whom Complaint is made):

10 ☒ C. R. Bard Inc.

11 ☒ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☒ Diversity of Citizenship

14 ☐ Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:

17 _____
18 _____
19 _____
20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

22 ☐ Recovery[®] Vena Cava Filter

23 ☐ G2[®] Vena Cava Filter

24 ☐ G2[®] Express Vena Cava Filter

25 ☐ G2[®] X Vena Cava Filter

26 ☐ Eclipse[®] Vena Cava Filter

27 ☐ Meridian[®] Vena Cava Filter

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- ☐ Denali® Vena Cava Filter
☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

12. Counts in the Master Complaint brought by Plaintiff(s):
- ☒ Count I: Strict Products Liability – Manufacturing Defect
 - ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - ☒ Count III: Strict Products Liability – Design Defect
 - ☒ Count IV: Negligence - Design
 - ☒ Count V: Negligence - Manufacture
 - ☒ Count VI: Negligence – Failure to Recall/Retrofit
 - ☒ Count VII: Negligence – Failure to Warn
 - ☒ Count VIII: Negligent Misrepresentation
 - ☒ Count IX: Negligence *Per Se*
 - ☒ Count X: Breach of Express Warranty
 - ☒ Count XI: Breach of Implied Warranty
 - ☒ Count XII: Fraudulent Misrepresentation
 - ☒ Count XIII: Fraudulent Concealment
 - ☒ Count XIV: Violations of Applicable Virginia (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - ☐ Count XV: Loss of Consortium
 - ☐ Count XVI: Wrongful Death
 - ☐ Count XVII: Survival
 - ☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes☐ No

RESPECTFULLY SUBMITTED this 10 day of June, 2016.

By: /s/ Ellen A. Presby
[Attorney name/address]

I hereby certify that on this 10 day of June, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ellen A. Presby

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03682-DGC**

Stith v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/11/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Roy Stith**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
10/11/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14745501 filed by Roy Stith. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 10/11/2017)
10/11/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-03682-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 10/11/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:16:07			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-gc01
Description:	Docket Report	Search Criteria:	2:17-cv-03682-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Roy Stith

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: New York

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Eastern District of New York

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

February 12, 2007

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
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- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 11th day of October, 2017.

MARC J. BERN & PARTNERS LLP

By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

Attorneys for Plaintiff(s)

I hereby certify that on this 11th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Debra J. Humphrey

5131774

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-02496-DGC**

Sutton et al v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 07/26/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**JD Sutton**

represented by **Joseph J Cappelli**
Bern Cappelli
101 W Elm St., Ste. 215
Conshohocken, PA 19428
610-941-4444
Fax: 610-941-9880
Email: jcappelli@bernlip.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Wanda Sutton**

represented by **Joseph J Cappelli**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/26/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14476441 filed by JD Sutton, Wanda Sutton. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 07/26/2017)
07/26/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-02496-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 07/26/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:18:48			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-gc01
Description:	Docket Report	Search Criteria:	2:17-cv-02496-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 J.D. Sutton

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 Wanda Sutton

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant:

21 Illinois
22

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of injury:

3 Illinois

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Illinois

6 7. District Court and Division in which venue would be proper absent direct filing:

7 United States District Court for the Northern District of Illinois

8 8. Defendants (check Defendants against whom Complaint is made):

9 ☒ C.R. Bard Inc.

10 ☒ Bard Peripheral Vascular, Inc.

11 9. Basis of Jurisdiction:

12 ☒ Diversity of Citizenship

13 ☐ Other: _____

14 a. Other allegations of jurisdiction and venue not expressed in Master
15 Complaint:

16 Multi-District Litigation

17
18
19 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
20 claim (Check applicable Inferior Vena Cava Filter(s)):

21 ☐ Recovery[®] Vena Cava Filter

22 ☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: BARD Simon Nitinol 2120F, Lot GFPK4138

11. Date of Implantation as to each product:

March 13, 2006

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Illinois (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 26th day of July, 2017.

2 **BERN CAPPELLI LLP**

3 By: /s/ Joseph J. Cappelli

Joseph J. Cappelli
101 West Elm Street
Suite 215
Conshohocken, PA 19428

5 *Attorneys for Plaintiff(s)*
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12 I hereby certify that on this 26th day of July, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/Joseph J. Cappelli
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